



Division of  
Enforcement

**U.S. COMMODITY FUTURES TRADING COMMISSION**

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**MEMO ENDORSED**

**VIA ECF**

Hon. Valerie E. Caproni  
United States District Judge  
40 Foley Square  
New York, NY 10007

**Re: *CFTC v. Alexandre, et al.*, No. 22-cv-3822**

Dear Judge Caproni:

Plaintiff Commodity Futures Trading Commission (“Commission”), and Defendants Eddy Alexandre and EminiFX, Inc. (“EminiFX”) jointly move the Court to extend the statutory restraining order (“SRO”) currently in place in this case and to adjourn the hearing on the Commission’s motion for a preliminary injunction to June 7, 2022. In support of this motion, the parties state as follows:

On May 11, 2022, the Commission filed a complaint and motion for an ex parte statutory restraining order. (Dkt. 5-6). That same day, the Court granted the Commission’s motion and entered an ex parte SRO that, among other things, froze certain of Defendants’ assets, allowed the Commission access to certain of Defendants’ records, and appointed a temporary receiver. (Dkt. 9). The SRO is to remain in effect until May 24, 2022, and a hearing on the Commission’s motion for a preliminary injunction is scheduled for May 24, 2022 at 2:00 p.m. (*Id.* at 20-21).

The parties jointly move the Court to extend the effect of the SRO through June 7, 2022, and to adjourn the hearing on the Commission’s motion for a preliminary injunction to that same date. Adjournment will provide Defendant Alexandre with additional time to meet with his counsel prior to any preliminary injunction hearing and will provide all parties the opportunity to attempt to negotiate a consent preliminary injunction in lieu of a contested hearing. This is the first request for adjournment, and all parties consent.

Because Defendants consent to extending the restraining order, an extension of the existing SRO is proper under Fed. R. Civ. P. 65(b)(2).

This letter is being submitted less than 48 business hours prior to the originally-scheduled preliminary injunction hearing. The parties submit three justifications for the late request. First, the parties have needed time to engage in collective efforts to negotiate an extension of the SRO. Second, the parties have undertaken preliminary steps to negotiate a consent preliminary

injunction. Third, Defendant Alexandre's detention, while he seeks to meet bail conditions that are the subject of a pending modification motion filed on May 19, 2022 in *United States v. Alexandre*, 22 Mag. 4184 (S.D.N.Y.), has resulted in limitations on his ability to communicate with counsel.

Defendant Alexandre takes no position as to the temporary receiver agreeing to this motion on behalf of Defendant EminiFX, Inc.

The parties jointly request that the Court extend the SRO through June 7, 2022 and adjourn the preliminary injunction hearing to that same date.

Sincerely,

COMMODITY FUTURES TRADING  
COMMISSION

/s/ Douglas Snodgrass

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*Attorney for Plaintiff Commodity Futures Trading  
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cc: Counsel of record (via ECF)

Application GRANTED. Given that the adverse parties consent to the longer extension, *see* Fed. R. Civ. P. 65(b) (2), the statutory restraining order currently in effect (Dkt. 9) is hereby extended to **Tuesday, June 7, 2022**.

The hearing on the preliminary injunction, currently scheduled for Tuesday, May 24, 2022 at 2:00 P.M., is adjourned to **Tuesday, June 7, 2022 at 1:00 P.M.** The hearing will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. Per the SDNY COVID-19 COURTHOUSE ENTRY PROGRAM, any person who appears at any SDNY courthouse must complete a questionnaire. Only those individuals who meet the entry requirements established by the questionnaire will be permitted entry. Additionally, any person who appears at any SDNY courthouse must comply with Standing Order M10-468 (21-MC-164), which further pertains to courthouse entry.

SO ORDERED.



Date: May 23, 2022

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE